

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 30, 2000

H019350 PEOPLE v. SQUIRES

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Elia, J., Mihara, J.)
Filed October 30, 2000

H019826 PEOPLE v. WILKINS

The judgment on count 2 is reversed. In all other respects,
the judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)
Filed October 30, 2000

H018595 PEOPLE v. MARISCAL

By the Court*:

Appellant's petition for rehearing is denied.
Filed: October 30, 2000
*Before Premo, Acting P.J., Bamattre-Manoukian, J. and
Wunderlich, J.

TUESDAY, OCTOBER 31, 2000

H021780 MICHELLE W., et al. v. SUPERIOR COURT; DFCS, et al.

The petition for extraordinary writ is denied. (not
published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)
Filed October 31, 2000

H019656 HERTZ CORPORATION v. KIM, A Minor, et al.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)
Filed October 31, 2000

Sixth Appellate District

San Jose, California

Tuesday, October 31, 2000 (continued)

H020248 PEOPLE v. BROUGH

H020934 BROUGH on Habeas Corpus

As to the appeal (H020248), the judgment is modified to reflect an eight-month term for count 5 (Veh. Code, § 23153, subd. (b)). The abstract of judgment shall be amended to reflect that modification. The abstract of judgment shall also be amended to reflect the imposition of a concurrent term for count 7 (Veh. Code, § 23153, subd. (b)). As modified, the judgment is affirmed.

As to the petition for writ of habeas corpus (H020934), we issue herewith an order to show cause returnable in the superior court, before the judge who presided over these proceedings or before such other judge as the presiding judge shall designate, directing the People to show cause why defendant's petition for writ of habeas corpus should not be granted on the ground of trial counsel's failure to correctly advise defendant of the maximum sentence he faced for the charges in the amended information. A formal return shall be served and filed in the San Benito County Superior Court at a time and date specified by the trial court, and defendant may then file a traverse thereto. Upon these formal pleadings, the trial court must determine whether an evidentiary hearing is needed. (*People v. Romero* (1994) 8 Cal.4th 728, 739-740.) If the trial court determines that an evidentiary hearing is necessary, it shall identify the issues to be decided, conduct the hearing, and then make findings and grant or deny appropriate relief. If the trial court determines that no evidentiary hearing is necessary, it shall make findings and grant or deny appropriate relief. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed October 31, 2000

H020292 PEOPLE v. HURTADO

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)

Filed October 31, 2000

Sixth Appellate District

San Jose, California

WEDNESDAY, NOVEMBER 1, 2000

H020623 BROTHERS, as Co-trustee v. DAVIS as Co-trustee

The Order OF August 23, 1999 is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed November 1, 2000

H020360 PEOPLE v. CASTELLANOS

The judgment is affirmed. (not published)
(Elia, J.; We concur: Cottle, P.J., Mihara, J.)

Filed November 1, 2000

THURSDAY, NOVEMBER 2, 2000

H019992 PEOPLE v. VASQUEZ

The Clerk of the Court is directed to amend the abstract of judgment in People v. Vasquez (No. 180790) to show 1,447 days of actual custody credit. This figure represents the sum of 575 days granted plus the 872 days of actual custody which appellant spent between his arrest and initial sentencing in Case 2. The Clerk of the Court is directed to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

The judgment is otherwise affirmed. (not published)

(Elia, J.; We concur: Cottle, P.J., Mihara, J.)

Filed November 2, 2000

FRIDAY, NOVEMBER 3, 2000

H019112 PEOPLE v. LUSK

The judgment is affirmed. (not published)

(Elia, J.; We concur: Cottle, P.J., Mihara, J.)

Filed November 3, 2000

H020145 PEOPLE v. MOORE

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed November 3, 2000

Sixth Appellate District

San Jose, California

Friday, November 3, 2000 (Continued)

H020180 PEOPLE v. SASSER

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)
Filed November 3, 2000

H020362 PEOPLE v. BONTILAO

H021875 BONTILAO on Habeas Corpus

The judgment is affirmed. As to the petition for writ of habeas corpus, we issue an order to show cause returnable in the superior court, before the judge who presided over these proceedings or before such other judge as the presiding judge shall designate, directing the People to show cause why defendant's petition for writ of habeas corpus should not be granted on the ground of the trial court's failure to correctly advise defendant of the immigration consequences of his plea. A formal return shall be served and filed in the Santa Clara County Superior Court at a time and date specified by the trial court, and defendant may then file a traverse thereto. Upon these formal pleadings, the trial court must determine whether an evidentiary hearing is needed. (*People v. Romero* (1994) 8 Cal.4th 728, 739-740.) If the trial court determines that an evidentiary hearing is necessary, it shall identify the issues to be decided, conduct the hearing, and then make findings and grant or deny appropriate relief. If the trial court determines that no evidentiary hearing is necessary, it shall make findings and grant or deny appropriate relief. (not published)
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)
Filed November 3, 2000

HO19965 PEOPLE v. CONTRERAS

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)
Filed November 3, 2000

Sixth Appellate District

San Jose, California

Friday, November 3, 2000 (Continued)

H019536 PAUL T. BECK CONTRACTORS v. RHODES & KESLING, et al.

The judgment is affirmed. Each party to bear their own costs. (not published)

(Mihara, J.; We concur: Cottle, P.J., Elia, J.)

Filed November 3, 2000